

## NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

### NOTICE OF RULEMAKING DOCKET OPENING

#### GOVERNMENT INFORMATION TECHNOLOGY AGENCY

1. **Title and its heading:**  
2, Administration  
18, Government Information Technology Agency  
1, General Provisions  
2, Information Technology Projects  
3, Information Technology Planning  
**Section numbers:**  
R2-18-101, R2-18-201, R2-18-301 (As part of this rulemaking, the Agency may add, delete, or modify additional Sections, as necessary.)
2. **The subject matter of the proposed rules:**  
The Government Information Technology Agency is initiating rulemaking on Sections 1, 2, and 3 in response to changes suggested as part of its five-year analysis of individual rules. The proposed changes have been designed to ensure consistency with A.R.S. § 41-1001(17), increase the clarity and understanding of existing Articles 1 through 3, as well as to align the language in the Articles with current Agency practices.
3. **A citation to all published notices relating to the proceeding:**  
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rules:**  
Name: Mr. D.J. Harper,  
Communication and Outreach Manager  
Address: Government Information Technology Agency  
100 N. 15th Avenue, Suite 440  
Phoenix, AZ 85007  
Telephone: (602) 364-4772  
Fax: (602) 364-4799  
E-mail: djharper@azgita.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
Submissions may be made to the Government Information Technology staff member identified in item #4 until the close of the record.
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
To be determined

### NOTICE OF RULEMAKING DOCKET OPENING

#### BOARD OF NURSING

1. **Title and its heading:**  
4, Professions and Occupations  
**Chapter and its headings:**  
19, Board of Nursing  
**Articles and headings:**  
8, Certified Nursing Assistants  
**Section numbers:**  
R4-19-801, R4-19-802, R4-19-803, R4-19-804, R4-19-805, R4-19-806, R4-19-807, R4-19-808, R4-19-809, R4-19-810, R4-19-811, R4-19-812, R4-19-813, R4-19-814, and R4-19-815 (As part of this rulemaking the Board may add, delete, or modify additional sections as necessary.)
2. **The subject matter of the proposed rule:**  
The Board is initiating rulemaking on Article Eight as part of their strategic plan to improve regulatory effectiveness and update rules on Certified Nursing Assistant.
3. **A citation to all published notices relating to the procedure:**

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None

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Pamela Randolph, Nurse Practice Consultant  
Address: State Board of Nursing  
1651 E. Morten, Suite 210  
Phoenix, AZ 85020  
Telephone: (602) 889-5209  
Fax: (602) 889-5155  
E-mail: prandolph@azbn.org

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Has not been determined.

**6. A time table for agency decisions or other action on the proceeding, if known:**

Has not been determined.

**NOTICE OF RULEMAKING DOCKET OPENING**

**STATE BOARD OF EDUCATION**

- 1. Title and heading:** 7, Education  
**Chapter and heading:** 2, State Board of Education  
**Article and heading:** 6, Certification  
**Section numbers:** R7-2-615

- 2. The subject matter of the proposed rule:**  
School psychologist certification requirements.

- 3. A citation to all published notices relating to the proceedings:**  
None

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Christy Farley  
Address: 1535 W. Jefferson  
Phoenix, AZ 85007  
Telephone: (602) 542-5057  
Fax: (602) 542-3046  
E-mail: cfarley@ade.az.gov

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments may be submitted to Christy Farley, Executive Director, State Board of Education, at the address above. Written comments will be accepted until June 3, 2004. A public hearing will be held on June 3, 2004 at 10:00 am to receive public testimony. The public meeting will be posted at 1535 W. Jefferson, first floor.

- 6. A timetable for agency decisions or other action on the proceeding, if known:**  
Notice of Proposed Rulemaking was also considered and approved by the State Board of Education at the monthly meeting on March 29, 2004.

**NOTICE OF RULEMAKING DOCKET OPENING**

**RADIATION REGULATORY AGENCY**

- 1. Title and its heading:** 12, Natural Resources  
**Chapter and its heading:** 1, Radiation Regulatory Agency  
**Article and its heading:** 2, Registration, Installation, and Service of Ionizing Radiation Producing Machines; and Certification of Mammography Facilities  
**Section numbers:** 14, Rules for the Control of Nonionizing Radiation  
R12-1-209; R12-1-1401 through R12-1-1418; R12-1-1421 through R12-1-1423; R12-1-1425 through R12-1-1427; R12-1-1429; R12-1-1433 through R12-1-1437; R12-1-1440 through R12-1-1444; Appendix A and Appendix B

- 2. The subject matter of the proposed rules:**

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The majority of the rulemaking is the result of five-year reviews of the rules contained in the affected articles: Article 2 was completed in February 2000 and Article 14 was completed in October 2000. As a result of these reviews, a significant number of changes will be made. The nonionizing licensing requirements are being moved from Article 2 to Article 14, where the devices are regulated and will now be registered. Article 14 is undergoing major revision so that the requirements for nonionizing radiation machines will be compatible with current Federal standards. Also, the magnetic resonance imaging (MRI) rules are being deleted from Article 14. Most of the rules contained in Article 14 are being amended so that they will contain current language and format.

**Agency docket number:** 0052(14)

**3. A citation to all published notices relating to the proceeding:**

Notice of Rulemaking Docket Opening: 7 A.A.R. 5584, December 21, 2001  
Notice of Proposed Rulemaking: 7 A.A.R. 5585, December 21, 2001  
Notice of Public Information: 8 A.A.R. 2763, June 28, 2002

**4. The name and address of agency personnel with whom persons may communicate regarding the rules:**

Name: Aubrey Godwin  
Address: Radiation Regulatory Agency  
4814 S. 40th Street  
Phoenix, AZ 85040  
Telephone: (602) 364-4772  
Fax: (602) 364-4799

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments will be accepted 8:00 a.m. to 5:00 p.m., Monday through Friday. Oral comments will be accepted 8:00 a.m. to 4:30 p.m., Monday through Friday, at the Radiation Regulatory Agency (refer to item #4).

**6. A timetable for agency decisions or other action on the proceeding, if known:**

Not available at this time.

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF TRANSPORTATION  
COMMERCIAL PROGRAMS**

**1. Title and its heading:**

17, Transportation

**Chapter and its heading:**

5, Department of Transportation – Commercial Programs

**Article and its heading:**

4, Dealers

**Section number:**

R17-5-407

**2. Subject matter of the proposed rule:**

This rule defines motor vehicle repossession procedures, that is, the transfer of ownership by operation of law. The current rule will be amended as noted in proposed agency action in the ADOT Motor Vehicle Division's 5-year report (F-98-0401) approved by the Governor's Regulatory Review Council on May 5, 1998. The rule will be revised to reflect correct statutory citations and the requirements of both G.R.R.C. and the Secretary of State.

**Agency docket number, if applicable:**

Not applicable

**3. A citation to all published notices relating to the proceeding:**

None

**4. The name and address of agency personnel to whom persons may communicate regarding the rule:**

Name: Troy A. Walters, Rules Analyst  
Address: Administrative Rules Unit  
Department of Transportation, Mail Drop 507M  
3737 N. 7th Street, Suite 160  
Phoenix, AZ 85014-5079  
Telephone: (602) 712-6722  
Fax: (602) 241-1624  
E-mail: twalters@dot.state.az.us

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at [www.dot.state.az.us/about/rules/index.htm](http://www.dot.state.az.us/about/rules/index.htm).

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**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Oral and written comments may be submitted to the rules analyst listed in #4, Monday through Friday, 8:00 a.m. to 4:30 p.m., except state holidays.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be determined.

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF ADMINISTRATION  
SCHOOL BUSES**

**1. Title and its heading:**

17, Transportation

**Chapter and its heading:**

9, Department of Administration – School Buses

**Article and its heading:**

1, School Bus Minimum Standards

**Section numbers:**

R17-9-101 through R17-9-111 and Exhibit A

**2. The subject matter of the proposed rule:**

Minor revisions will be made to clarify provisions regarding drug testing of school bus drivers and consumption or transportation of medications by a passenger on a school bus. Additionally, changes will be made regarding school bus classroom and behind-the-wheel instructors to make the rules consistent with statute.

**3. A citation to all published notices relating to the proceeding:**

None

**4. Name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Jeanne Hann

Address: 100 N. 15th Avenue, Suite 402  
Phoenix, AZ 85007

Telephone: (602) 542-2006

Fax: (602) 542-1486

E-mail: Jhann@ad.state.az.us

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Information regarding an oral proceeding will be included in the Notice of Proposed Rulemaking. Oral or written comments may be submitted during business hours to the person identified in item 4.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

Not known

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER POLLUTION CONTROL**

**1. Title and its heading:**

18, Environmental Quality

**Chapter and its heading:**

9, Department of Environmental Quality – Water Pollution Control

**Article and its heading:**

1, Aquifer Protection Permits – General Provisions

2, Aquifer Protection Permits – Individual Permits

3, Aquifer Protection Permits – General Permits

4, Agricultural General Permits

**Section numbers:**

The Department may add, delete, or modify Sections in Articles 1, 2, 3, and 4 as necessary.

**2. The subject matter of the proposed rule:**

This rulemaking updates the Aquifer Protection Permit and the Agricultural General Permit programs, which became effective on January 1, 2001. In addition to correcting and revising the rules to meet current conditions and practices, the rulemaking restructures the financial criteria for individual permits; adds requirements for controlling nitrogen from on-site wastewater treatment facilities; clarifies the transfer of ownership inspection for on-site wastewater treatment facilities; establishes criteria for a kitchen wastewater system; provides criteria for moving a permit holder from an individual permit to a general permit, or visa versa; and adds a general permit that deals with ensuring that the capacity of a sewage collection system, when unobstructed, is sufficient to convey the peak wet weather flow through each reach of sewer.

**3. A citation to all published notices relating to the proceeding:**

Notice of Rulemaking Docket Opening: 6 A.A.R. 4760, December 22, 2000

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Notice of Rulemaking Docket Opening: 8 A.A.R. 939, March 8, 2002

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Shirley J. Conard  
Address: Department of Environmental Quality  
1110 W. Washington, 5415B-3  
Phoenix, AZ 85007-2952  
Telephone: (602) 771-4632 (Metro-Phoenix area) or 1-800-234-5677, ext. 4632 (other areas)  
Fax: (602) 771-4674

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments will be accepted at the location listed in question #4 between 8:00 a.m. and 4:00 p.m., Monday through Friday. Oral comments will be accepted at the location listed in question #4 between 8:00 a.m. and 4:00 p.m., Monday through Friday. Comments will be accepted until the close of record, which has not yet been determined.

**6. A timetable for agency decisions or other action in the proceeding, if known:**

The Department anticipates that the rulemaking will be heard by the Governor's Regulatory Review Council on or before October or November 2004.

**NOTICE OF RULEMAKING DOCKET OPENING**

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER QUALITY STANDARDS**

**1. Title and its heading:**

18, Environmental Quality

**Chapter and its heading:**

11, Department of Environmental Quality – Water Quality Standards

**Article and its heading:**

3, Reclaimed Water Quality Standards

**Section numbers:**

R18-11-301; R18-11-303 through R18-11-307. As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.

**2. The subject matter of the proposed rule:**

18 A.A.C. 11, Article 3, Reclaimed Water Quality Standards, is being amended based on the changes proposed in the Aquifer Protection Permit and Agricultural General Permits rulemaking under Title 18, Chapter 9, Articles 1, 2, 3, and 4.

**3. A citation to all published notices relating to the proceeding:**

Notice of Rulemaking Docket Opening: 8 A.A.R. 1559, March 29, 2002

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Shirley J. Conard  
Address: Department of Environmental Quality  
1110 W. Washington, 5415B-3  
Phoenix, AZ 85007-2952  
Telephone: (602) 771-4632 (Metro-Phoenix area) or 1-800-234-5677, ext. 4632 (other areas)  
Fax: (602) 771-4674

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments will be accepted at the location listed in question #4 between 8:00 a.m. and 4:00 p.m., Monday through Friday. Oral comments will be accepted at the location listed in question #4 between 8:00 a.m. and 4:00 p.m., Monday through Friday. Comments will be accepted until the close of record, which has not yet been determined.

**6. A timetable for agency decisions or other action in the proceeding, if known:**

This rulemaking will be submitted with the Aquifer Protection Permitting and Direct Reuse of Reclaimed Water rulemakings. The Department anticipates that the rulemaking will be heard by the Governor's Regulatory Review Council on or before October or November 2004.

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NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE MANAGEMENT

1. **Title and its heading:** 18, Environmental Quality  
**Chapter and its heading:** 13, Department of Environmental Quality – Solid Waste Management  
**Articles and their headings:** 13, Special Waste  
16, Best Management Practices for Petroleum Contaminated Soil  
**Section numbers:** R18-13-1301 through R18-13-1307, including Table A, Exhibit 1  
and Appendices A and B; R18-13-1601 through R18-13-1614  
(As part of this rulemaking, the Department may add, delete,  
or modify additional Sections as necessary.)
2. **The subject matter of the proposed rule:**  
The Department is considering amendments to the regulations governing the management, treatment, storage, and disposal of special waste. Special waste is defined by A.R.S. § 49-852 as waste that contains petroleum contaminated soils and waste from shredding motor vehicles, and is currently regulated by two rules. The first, Title 18, Chapter 13, Article 13, regulates registration, manifesting, and fees for both petroleum contaminated soils (PCS), and shredder residue, and provides best management practices (BMPs) for facilities shredding motor vehicles. The second, Title 18, Chapter 13, Article 16, provides BMPs for handling PCS only. Although both rules address the handling of special waste, they were written at different times using different regulatory philosophies, often resulting in inconsistencies between the two rules. In some cases the rules did not envision numerous special waste handling scenarios which have since become issues that must be addressed in rule in order to provide clear direction as to the safe and proper handling of special waste.  
  
The Department proposes to combine Title 18, Chapter 13, Article 13 (Special Waste) with Chapter 13, Article 16 (Best Management Practices for Petroleum Contaminated Soil) into one rule as Title 18, Chapter 13, Article 13 (Special Waste). These revisions will rectify contradictions between the two original rules and existing rules and statute, and create a uniform and consistent regulatory structure for all special waste. Revisions will also provide clear direction on waste handling procedures previously not addressed.
3. **A citation to all published notices relating to the proceeding:**  
Notice of Rulemaking Docket Opening: 8 A.A.R. 5176, December 20, 2002
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: Kim McDaniel  
Address: Department of Environmental Quality  
1110 W. Washington Street  
Phoenix, AZ 85007  
Telephone: (602) 771- 4121  
Fax: (602) 771- 2302  
E-mail: mcdaniel.kim@ev.state.az.us
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**  
To be published in the Notice of Proposed Rulemaking
6. **A timetable for agency decisions or other action on the proceeding, if known:**  
To be published in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

INDUSTRIAL COMMISSION OF ARIZONA

1. **Title and its heading:** 20, Commerce, Banking, and Insurance  
**Chapter and its heading:** 5, The Industrial Commission of Arizona  
**Article and its heading:** 1, Workers' Compensation Practice and Procedure  
**Section numbers:** R20-5-120
2. **The subject matter of the proposed rule:**  
The proposed rule amends the existing rule pertaining to the use of compromise and settlement agreements in workers' compensation cases before the Industrial Commission of Arizona.
3. **A citation to all published notices relating to the proceeding:**  
Notice of Formal Rulemaking Advisory Committee: 6 A.A.R. 2493, June 30, 2000
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

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Name: Andrew F. Wade, Esq., Legal Division  
Address: Industrial Commission of Arizona  
800 W. Washington, Suite 303  
Phoenix, AZ 85007  
Telephone: (602) 542-5781  
Fax: (602) 542-6783  
E-mail: awade@ica.state.az.us

**5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written and oral comments will be accepted as set forth in the Notice of Proposed Rulemaking.

**6. A timetable for agency decisions or other action on the proceeding, if known:**

To be announced in the Notice of Proposed Rulemaking.